

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

HARVARD PILGRIM HEALTH CARE, INC.,)	
HPHC INSURANCE COMPANY, INC., AND)	
HARVARD PILGRIM HEALTH CARE OF)	
NEW ENGLAND, INC.,)	Case No. 20-578
)	Senior Judge Loren Smith
Plaintiffs,)	
)	
v.)	
)	
THE UNITED STATES,)	
)	
Defendant.)	

JOINT STATUS REPORT

Pursuant to the Court's September 11, 2023 order, the parties respectfully submit this joint status report.

As stated in the parties' previous joint status report, counsel for the parties have continued to engage in productive settlement negotiations regarding this and other cost-sharing reduction (CSR) cases currently pending before this Court. The parties most recently exchanged letters on September 7 and September 19. In light of those communications, the parties believe that they have reached a tentative agreement in principle on a methodology by which the parties can settle some of these CSR cases. This methodology must, however, be approved by officials at both the Department of Health and Human Services and the Department of Justice. In addition, the parties will need to gather relevant data from plaintiff-insurers from past benefit years in order to calculate whether damages may be owed to a given insurer for a given year. The Centers for Medicare and Medicaid Services is currently preparing a process for plaintiff insurers to submit relevant CSR data. Once that data is gathered and analyzed, plaintiffs will

have the option of participating in the proposed settlement process or continuing instead with litigation.

Both the approval process and data gathering and analysis will take time. We thus respectfully request that the court continue the stay in this case for 60 days, until Tuesday, November 28, 2023, at which time the parties propose updating the Court regarding the status of the settlement process.

September 29, 2023

s/ Stephen McBrady
Stephen McBrady
CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 624-2500
Facsimile: (202) 628-5116
SMcBrady@crowell.com

OF COUNSEL:

Charles Baek

CROWELL & MORING LLP
1001 Pennsylvania Avenue, NW
Washington, DC 20004

*Counsel for Plaintiff Maine Community
Health Options*

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY
Director

/s/Claudia Burke
CLAUDIA BURKE
Deputy Director

/s/Albert S. Iarossi
ALBERT S. IAROSSO
Assistant Director
Commercial Litigation Branch
Civil Division
U.S. Department of Justice
P.O. Box 480
Ben Franklin Station
Washington, DC 20044
Telephone: (202) 616-3755
Email: albert.s.iarossi@usdoj.gov

OF COUNSEL:

DAVID M. KERR
Senior Trial Counsel
Civil Division
U.S. Department of Justice

Counsel for Defendant The United States